

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JOHN DANIEL MARTIN, III, #23201-034

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09cv28-DCB-MTP

BRUCE PEARSON, Warden

RESPONDENT

ORDER GRANTING MOTION TO STRIKE

THIS MATTER is before the court on Respondent's Motion [35] to Strike Petitioner's Document # 33. Having reviewed the motion, the court finds that it is well-taken and should be granted.

Rule 12(f) of the Federal Rules of Civil Procedure authorizes the court to "order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous material." It is entirely unclear from Document # 33 what relief Petitioner is seeking. Moreover, as Respondent points out, this document could be construed to be a false lien or encumbrance in violation of 18 U.S.C. § 1521. Accordingly, the court finds that Document # 33 should be stricken.

The court notes that this is not the first time that Petitioner has filed unintelligible pleadings with the court. *See, e.g.*, [22],¹ [27]. Petitioner is again cautioned that his *pro se* status does not relieve him of the requirements of Rule 11 of the Federal Rules of Civil Procedure, which provides that by presenting a pleading, motion or other paper to the court, an attorney or unrepresented party certifies, *inter alia*, that it is not being presented to harass, cause unnecessary delay or costs; and that all claims and contentions are supported by law or fact. "While the district

¹ Upon Respondent's Motion to Strike [24], this document was ordered [26] stricken from the record.

court is obliged to construe pro se pleadings liberally, it is not required to condone blatantly frivolous, vexatious, or harassing conduct ... On the contrary, Rule 11 as then in force, mandated that such activity be punished regardless of its source, and Congress specifically amended the rule in 1983 to include pro se litigants.” *Knighten v. Cave & McKay*, 1994 WL 442426, at * 3 (5th Cir. July 29, 1994).

IT IS, THEREFORE, ORDERED AND ADJUDGED that Respondent’s Motion [35] to Strike Petitioner’s Document # 33 is granted. Document # 33 shall be deemed stricken from the docket. Petitioner is again warned that any further filings of this nature may result in the imposition of sanctions, including dismissal of his claims with prejudice.

SO ORDERED and ADJUDGED this the 4th day of March, 2010.

s/ Michael T. Parker

United States Magistrate Judge